

1 STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY  
Branch 322

2  
3 STATE OF WISCONSIN,

4 Plaintiff,

5 -vs-

Case No. 4-0037

6 ROBERT LEE STINSON,

7 Defendant.

8  
9 TRANSCRIPT OF JURY TRIAL

10 December 10, 1985, Part 1 PM

HONORABLE JAMES P. GASKY,  
Circuit Judge, Presiding

11  
12 CHARGE: First Degree Murder

13  
14  
15 A P P E A R A N C E S :

16 CAROL WHITE, Assistant District

17 Attorney, appeared on behalf of the State of Wisconsin.

18 STEVEN R. KOHN, Attorney at Law, appeared on  
19 behalf of the Defendant Stinson.

20 The Defendant present in court.

21  
22 Carol A. Brathol -- Registered Professional Reporter

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Group  
Exhibit  
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1 JAMES OF MISSOURI : CIRCUIT COURT : JEFFERSON COUNTY  
2 JUDGE 22

3  
4 JAMES OF MISSOURI,

5 Plaintiff,

6 v.

Case No. E-9387

7 ROBERT LEE OTTIBOLI,

8 Defendant.

9  
10 TRANSCRIPT OF PROCEEDINGS

11  
12 CHARGE : First Degree Murder

13 JURY TRIAL

14  
15 December 10, 1985, 21

HONORABLE HANLEY P. STEWART  
Circuit Judge, Presiding

16  
17 A P P E A R A N C E S

18 CAROL WHITE, Assistant District Attorney,  
19 appearing on behalf of the State.

20 STEVEN R. KORN, Attorney at Law, appearing  
21 on behalf of the defendant.

22 Defendant present in court.

23  
24  
25 MARK W. POWERS - Official Reporter

**FILED**

0 APR 1 1986 0

GARY J. BARCZAK  
CLERK

1 STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY  
2 CRIME 23

3  
4 STATE OF WISCONSIN,

5 Plaintiff,

6 v.

Case No. E-9887

7 ROBERT LEE STANSON,

8 Defendant.

9  
10 TRANSCRIPT OF PROCEEDINGS

11  
12 CHARGE : First Degree Murder

13  
14 JURY TRIAL

15 December 11, 1985, At

HONORABLE JAMES P. BOSSIE  
Circuit Judge, Presiding

16  
17 A P P E A R A N C E S

18 CAROL WHITE, Assistant District Attorney,

19 appearing on behalf of the State.

20 STEVEN R. KOHN, Attorney at Law, appearing

21 on behalf of the defendant.

22 Defendant present in court.

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RAY A. DOVALICK - Official Reporter

1 STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY  
2 -----  
3 Branch #23

4 STATE OF WISCONSIN,

5 Plaintiff,

6 -vs-

7 ROBERT LEE STINSON,

Case No. L-0937

8 Defendant.

9 -----  
10 TRANSCRIPT OF JURY TRIAL

11 December 11, 1935, PM

12 HONORABLE JANINE P. GESKE,  
13 Circuit Judge, Presiding

14 CHARGE: First Degree Murder

15  
16 A P P E A R A N C E S :

17 CAROL WHITE, Assistant District  
18 Attorney, appeared on behalf of the State of Wisconsin.

19 STEVEN R. KOHN, Attorney at Law, appeared on  
20 behalf of the Defendant Stinson.

21 The defendant present in court.

22  
23 Carol A. Brathol -- Registered Professional Reporter

24  
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0 FILED 0  
APR 1 1986

GARY J. BARCZAK  
CLERK

1 STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY  
Branch #23

2 -----

3 STATE OF WISCONSIN,

4 Plaintiff,

5 -vs- Case No. L-0937

6 ROBERT LEE STINSON,

7 Defendant.

8 -----

9 TRANSCRIPT OF JURY TRIAL

10 December 12, 1985, Part 1 HONORABLE JANINE P. GESKE,  
11 Circuit Judge, Presiding

12

13 CHARGE: First Degree Murder

14

15

16 A P P E A R A N C E S :

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CAROL WHITE, Assistant District

18

Attorney, appeared on behalf of the State of Wisconsin.

19

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20

behalf of the Defendant Stinson.

21

The defendant present in court.

22

23

Carol A. Brathol -- Registered Professional Reporter

24

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**FILED**

0 APR 1 1986 0

GARY J. BARCZAK

1 examine the body for the presence of bitemarks.

2 Q Did you find any when you examined the body?

3 A I did.

4 Q And where?

5 A There were multiple bitemarks on the body, one located in  
6 the area above the pubis in the groin, two on the left  
7 abdomen, and multiple bitemarks, at that time I couldn't  
8 determine the exact number, on the right breast.

9 Q And after making that visual examination, what did you do  
10 next?

11 A Actually prior to that time before I even had viewed  
12 them, I had arranged to have the photographer from the  
13 State Crime Laboratory available for photographs of them,  
14 and so I had requested photographs be taken.

15 Q And who was the photographer you requested that from?

16 A David Cadle, C-a-d-l-e.

17 Q And have you worked with him before?

18 A Many times on these cases.

19 Q And he took those photographs per your instruction?

20 A Yes.

21 Q And then what was your further examination of the body at  
22 that time --

23 A The initial examination, of course, was to determine if  
24 they were indeed bitemarks as they were suspected to be,  
25 and I could identify them quite readily as human

001500

1 Q And who is that?

2 A This individual was identified to me as Robert Earl

3 Stinson.

4 Q Robert Earl Stinson?

5 Q That's not the defendant?

6 A This is a brother to the defendant, Robert Lee Stinson;

7 also identified to me as a twin of Robert Lee Stinson.

8 Q Facially did he appear, from your medical background, to

9 be an identical or fraternal twin?

10 A Certainly not an identical twin.

11 Q Did you also do a dental workup on Robert Earl Stinson?

12 A Yes, I did.

13 Q And did you make comparisons with Robert Earl Stinson's

14 dentition to the injuries on Ione Cychosz?

15 A Yes.

16 Q And from that were you able to form an opinion to a

17 reasonable degree of medical and dental certainty about

18 Robert Earl Stinson's having inflicted any or all of

19 these wounds?

20 A Yes, I did.

21 Q And concerning the defendant's brother, Robert Earl

22 Stinson, what was that conclusion? 001542

23 A The workup was the same procedure as done with Robert

24 Lee. The photography of the dentition, models of the

25 jaws, the wax exemplar taken of his bite, and then the

1 comparison of the evidence taken from the victim, Isaac  
2 Cychoz, to the materials that we'd gathered from Robert  
3 Earl. The investigation early on showed that there were  
4 some gross discrepancies which would rule out Robert Earl  
5 Stinson as having possibly made these bitemarks. Robert  
6 Earl has present in his mouth a right central incisor  
7 which is intact. There is no damage to it at all.  
8 That's inconsistent with the types of bites that you have  
9 seen repeatedly demonstrated because there has to be a  
10 damaged tooth appearing in those areas. Robert Earl  
11 Stinson has a fractured left central incisor about one  
12 third of the way up. That is inconsistent with any of  
13 the bites that you have seen. You have seen repeatedly a  
14 registration of an intact and smooth left central incisor  
15 in those bites. Studying further, by looking at the size  
16 of the models that we developed, the size of the arches  
17 is entirely different. The shape of the arches, entirely  
18 different. And I then did an overlay study which would  
19 graphically depict the differences in those. Besides  
20 looking at models and making a comparison, which I'm sure  
21 you're capable of doing, I also have an exhibit which  
22 will show overlays of both the dentitions, upper and  
23 lower, of the two.

001543

24 Q And you were able to exclude Robert Earl Stinson?

25 A On the basis of those factors, I would have to say that



1 reporter to mark those as 14 A through D.

2 THE COURT: All right.

3 MS. WHITE: And I'll have no further questions  
4 of this witness.

5 MR. KOHN: I have no questions.

6 THE COURT: All right. Let's have them marked.  
7 You may step down.

8 (State's Exhibits 14 A through D marked  
9 for identification.)

10 THE COURT: Why don't we put on the record what  
11 is 14 A through D.

12 MS. WHITE: Your Honor, 14 A is a brassiere,  
13 14 B are socks, 14 C is a blue top, 14 D is a tennis  
14 shoe.

15 THE COURT: Thank you.

16 MS. WHITE: Now, the state at this time calls  
17 Detective Leroy Shaw.

18 LEROY SHAW,  
19 called as a witness on behalf of the State, having been  
20 first duly sworn, testified as follows:

21 THE CLERK: State your name and spell your last  
22 name.

23 THE WITNESS: Leroy Shaw, S-h-a-w.

24 DIRECT EXAMINATION

001453

1 Q How are you employed, sir?

2 A As a detective with the Milwaukee Police Department.

3 Q And in the course of that employment, on the morning of  
4 November 3rd, 1984, did you have occasion to go to the  
5 vicinity of 7th and Center streets?

6 A Yes, I did.

7 Q Is that located in the City and County of Milwaukee,  
8 State of Wisconsin?

9 A Yes.

10 Q And at that location did you have occasion to view the  
11 area near that location?

12 A Yes.

13 Q For what purpose?

14 A We had been dispatched in regards to the fact that a body  
15 had been found in the rear yard at 2550 North 7th Street,  
16 and we were sent to investigate.

17 Q And at that location did you indeed observe a human body  
18 at that location?

19 A Yes.

20 Q Detective Shaw, I show you what's been marked for  
21 identification as State's Exhibit 3, ask if you can  
22 identify that.

001454

23 A Yes, this is the body we found in the rear yard at 2550  
24 North 7th Street, and it appears as we first saw it.

1 examine the body for the presence of bitemarks.

2 Q Did you find any when you examined the body?

3 A I did.

4 Q And where?

5 A There were multiple bitemarks on the body, one located in  
6 the area above the pubis in the groin, two on the left  
7 abdomen, and multiple bitemarks, at that time I couldn't  
8 determine the exact number, on the right breast.

9 Q And after making that visual examination, what did you do  
10 next?

11 A Actually prior to that time before I even had viewed  
12 them, I had arranged to have the photographer from the  
13 State Crime Laboratory available for photographs of them,  
14 and so I had requested photographs be taken.

15 Q And who was the photographer you requested that from?

16 A David Cadle, C-a-d-l-e.

17 Q And have you worked with him before?

18 A Many times on these cases.

19 Q And he took those photographs per your instruction?

20 A Yes.

21 Q And then what was your further examination of the body at  
22 that time --

23 A The initial examination, of course, was to determine if  
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25 and I could identify them quite readily as human

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4 Q Robert Earl Stinson?

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7 also identified to me as a twin of Robert Lee Stinson.

8 Q Facially did he appear, from your medical background, to

9 be an identical or fraternal twin?

10 A Certainly not an identical twin.

11 Q Did you also do a dental workup on Robert Earl Stinson?

12 A Yes, I did.

13 Q And did you make comparisons with Robert Earl Stinson's

14 dentition to the injuries on Ione Cychosz?

15 A Yes.

16 Q And from that were you able to form an opinion to a

17 reasonable degree of medical and dental certainty about

18 Robert Earl Stinson's having inflicted any or all of

19 these wounds?

20 A Yes, I did.

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22 Stinson, what was that conclusion? **001542**

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22 will show overlays of both the dentitions, upper and  
23 lower, of the two.

001543

24 Q And you were able to exclude Robert Earl Stinson?

25 A On the basis of those factors, I would have to say that

1 A All right. Occlusion refers to the way teeth meet, and as  
2 you know, from studying profiles of people, everyone's  
3 teeth do not meet in the same way. Some people have  
4 rather prominent chins. Some have recessive chins. Some  
5 have rather prominent upper teeth, but the term occlusion  
6 simply means the way your teeth come together, and there  
7 are characteristic classifications of that that I don't  
8 think we have to go into, but they can be identifiable.

9 Q What else did the study workup --

10 A The workup then also included photographs that are taken  
11 with a specialized piece of photographing equipment that  
12 will allow us to take pictures of the biting surfaces of  
13 the teeth so that we can get at that point a life-size  
14 scale, one-to-one representation of all the biting  
15 surfaces of either the upper or lower teeth, and this is  
16 done with a polished chrome mirror so that there is no  
17 discomfort to the individual being examined, but that  
18 when the photograph is taken, then we not only have a  
19 photograph but in the film pack we have a negative, and  
20 from that negative we can then produce additional prints  
21 also life-size, true to scale.

22 Q Anything else that was done to preserve --

23 A Yes. We also then proceeded to take dental impressions  
24 much as you probably would be familiar with if you have  
25 ever had any bridge work or anything done at your

1 dentist, an impression of the teeth and jaws so that we  
2 can reproduce then static models of those teeth, and that  
3 by definition, of course, is also life-size. Another  
4 step that is done in the procedure is by using a soft wax  
5 wafer that's roughly the shape of the arch, horseshoe  
6 shaped. We have a suspect give us at least one or more  
7 exemplars or representations of the biting edges of their  
8 teeth in wax, and so we obtained then at least two  
9 exemplars from Robert. And this was also accompanied by  
10 a comprehensive oral examination to .

11 show the condition of his teeth, the  
12 ability or inability to be able to open his jaws, the  
13 presence of any disease present in his mouth, the  
14 presence of defective or decayed teeth or any teeth that  
15 had been artificially restored, things of that nature,  
16 much as you would do in a routine dental examination on  
17 anybody.

18 Q Do you recall when this examination took place?

19 A To the best of my recollection, it was December 3rd,  
20 1984.

21 Q Now, doctor, before we continue with that, let's return  
22 to your observation of Ione Cychosz. First of all,  
23 what's a perimortum bite mark?

24 A As you probably know, bite marks can be inflicted at any  
25 time, and so in order to classify them, to make them more

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1 difficult, and I suppose it would depend on the abilities  
2 of the examiner and also the quality of the mark that was  
3 left. It does not mean simply because it is a distorted  
4 drag mark that it might not prove to be good evidence.  
5 It might possess some particularly unique characteristic.  
6 For example, if the tooth had a defect in its biting  
7 edge, such as a notch, and that drag mark shows that same  
8 notch as a striation all along the stroke, and we can on  
9 a microscopic level associate that notch in the edge of  
10 the tooth with the notch or the representation of the  
11 notch in the abrasion which would represent itself as a  
12 hill. We have gone into the area microscopically of  
13 scanning electron microscopy where we actually can make  
14 a replica of the tissue and a replica of the tooth and  
15 study this under the S.E.M. or the scanning electron  
16 microscope at extremely high magnifications to actually  
17 show specific detail and relate that defect with the  
18 striation in the skin, so I would say no, Mr. Kohn,  
19 that definitely could be a valuable piece of  
20 evidence.

21 Q Now, doctor, you did this workup where you put in  
22 approximately 140, 130 hours, whatever it was to date,  
23 you have also stated that anything is possible. Is there  
24 a margin of error that you would accept as far as the  
25 work that you have done?

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1       A    Had the bite been limited or had the evidence been  
2           limited to one bite with very few teeth, it might be  
3           conceivable that you could say that there was a margin  
4           for error. Had the bite been limited or the evidence  
5           been limited to two bites, the margin of error becomes  
6           smaller. The workup that I did was extensive and  
7           exhaustive. It consisted of eight bites. It consisted  
8           of three rather unique features which appear repeatedly  
9           in those bites, and so in my scientific opinion, there is  
10          no margin for error in this.

11       Q    Now, you have indicated that you keyed in approximately  
12           three unique characteristics; is that correct?

13       A    Yes, in addition to a number of consistencies which tend  
14           to build and support, corroborate that.

15       Q    Was there any bitemark that you had a sample of from the  
16           body where all of the teeth, either upper or lower,  
17           appeared?

18       A    I'm not sure I understand what you mean by all of the  
19           teeth. Do you mean 32 teeth in one bitemark, Mr. Kohn  
20           or --

21       Q    No, 16.

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22       A    I believe, if I remember correctly, the greatest number  
23           of individual teeth in one bite was 11. I think the  
24           fewest number in one of these bites was 5. Now, the 3  
25           bites represent varying combinations of those teeth to a